

REMARKS

Reconsideration and allowance of the present application are respectfully requested in light of the preceding amendments and following remarks. Claims 1-3, 6-17, 19 and 21-24 are pending in this application. By this Amendment, claims 1, 7 and 14 are amended. By this Amendment, no claims are added or cancelled. Claims 1 and 14 are the independent claims.

Examiner Interview

Applicants thank the Examiner for granting the telephone interview conducted on January 29, 2010. During the interview, Applicants discussed the rejection to claim 1 under 35 U.S.C. §103(a) as being unpatentable over Parantainer et al. (U.S. Patent No. 7,092,373) in view of Toskala et al. (U.S. Patent No. 7,539,165, hereinafter ("Toskala")). In particular, Applicants focused on the Toskala reference and the "control signal data" as recited in independent claim 1. Without conceding to the Examiner's current position, Applicants discussed proposed amendments to independent claim 1 in order to overcome the Examiner's interpretation of the cited references, and to have this application allowed. The Examiner discussed these amendments with his Supervisor, and his Supervisor agreed that these amendments would overcome the cited references, and the application would be allowed. Therefore, Applicants respectfully request that the Examiner issue a Notice of Allowance in the next USPTO communication.

Rejections under 35 U.S.C. §103

The Examiner has rejected claims 1-3 and 14-17 under 35 U.S.C. §103(a) as being unpatentable over Parantainer (U.S. Patent No. 7,092,373, hereinafter "Parantainer") in view of Toskala et al. (U.S. Patent No. 7,539,165, hereinafter "Toskala"). Applicants respectfully traverse this rejection for the reasons detailed below.

As explained above the Examiner and the Examiner's supervisor agreed that the amendments to claim 1 overcome the cited references, and this application would be allowed. None-the-less, Applicants provided the following arguments.

Claim 1 requires that the downlink control channel include timeslots, where each timeslot includes a plurality of fields. In each of the plurality of fields, there exists control signal data. The control signal data in **each field** includes "(1) an identifier uniquely identifying the identified user, (2) a first indicator specifying one of an acknowledgement and a negative acknowledgement of a packet transmitted by the identified user, and (3) a second indicator specifying the transmit rate at which the identified user is to transmit in the uplink." Parantainer and Toskala, alone or in combination, do not disclose or suggest these features.

Rather, the downlink channel in FIG. 3 of Toskala is a DPCH (downlink dedicated physical channel) - not a **shared** control channel. In Toskala, the Node replaces a symbol at a predetermined location in the DPCH with its RA (an RA is a command to the UE to increase, decrease or keep unchanged its current rate), where the replacement is performed after the traffic for the DPCH is encoded for error correction. Also, an ACK or NACK is sent on the DPCH in response to an RA which is communicated from the UE to the node. Nothing suggests that the "RA" and the "A/N"

of Toskala is sent at the same time. Moreover, the "RA" and the "A/N" are not included in different fields of one timeslot. Further, one would not place the "RA" and the "ACK/NACK" of Toskala into a *shared control channel* because the shared control channel of Toskala operates in a conventional manner, which is discussed in column 5, lines 15-20 of Toskala. Also, the TFI of Parantainen does not appear to identify a user (e.g., a mobile phone), but rather a temporary block flow (TBF) where uplink time slots are allocated for different TBFs by using the TFI number. For example, a temporary block flow TBF-A is identified with TFI = 9 and TN = 1. See Parantainen, column 10, lines 14-29. As such, the combination of Parantainen and Toskala cannot possibly render independent claim 1 obvious to one of ordinary skill in the art.

Independent claim 14 has been amended to recite features similar to the above identified features of claim 1, and therefore is patentable for at least the same reasons stated above. Also, the dependent claims, dependent on claim 1, are patentable for at least the same reasons stated above. As such, Applicants respectfully request that the Examiner withdrawn this rejection under 35 U.S.C. §103(a).

Claims 8 and 19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Parantainen in view of Toskala and Tiedermann, Jr. et al. (U.S. Patent No. 7,054,293, hereinafter "Tiedermann"). Claims 9 and 23 are rejected under 35 U.S.C. §103(a) as being unpatentable over Parantainen in view of Toskala as applied to claims 6 and 21 above, and further in view of Gardner et al (U.S. Patent No. 7,146,174, hereinafter "Gardner"). Claims 10 and 11 are rejected under 35 U.S.C. §103(a) as being unpatentable over Parantainen in view of Toskala and Hunzinger et al. (U.S. Patent No. 7,164,654, hereinafter "Hunzinger"), and further in view of Tiedermann.

Claim 12 is rejected under 35 U.S.C. §103(a) as being unpatentable over Parantainer in view of Toskala and Hunzinger as applied to claim 6 above, and further in view of Berger (U.S. Patent No. 6,502,821, hereinafter "Berger"). Claims 13 and 24 are rejected under 35 U.S.C. §103(a) as being unpatentable over Parantainer in view of Toskala and Proctor Jr. (U.S. Patent No. 7,218,623, hereinafter "Proctor"). These claims, dependent on claims 1 and 14, are patentable for at least the same reasons stated above. Such, Applicants respectfully request that this rejection be withdrawn.

CONCLUSION

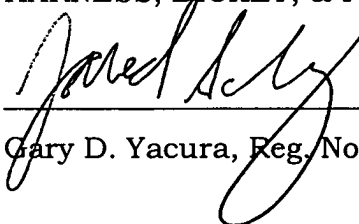
In view of the above amendment and remarks, Applicant respectfully submits that each of the rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,
HARNESS, DICKEY, & PIERCE, P.L.C.

By



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